PART IV

Section 1-A

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 74 LCA 65, Bangalore, dated 16th December 1965.

In pursuance of the adoption of a motion by Lok Sabha that the Sikh Gurdwaras Bill, 1964 by Sardar Amar Singh Saigal, M. P., be circulated for the purpose of eliciting opinion thereon by 28th February 1966, it is hereby ordered that the said Bill be published along with the Statement of Objects and Reasons for general information.

Any person or public body desirous of submitting opinion on the provisions of the Bill may send the same in quadruplicate to the Secretary to Government, Law Department, Vidhana Soudha, Bangalore-1, before the 10th February 1966, for being forwarded to the Lok Sabha Secretariat.

It is requested that opinion, if any, should not be submitted direct to the Lok Sabha Secretariat or to any Ministry of the Government of India.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

51 *Under Secy. to Govt., L. D.*

As Introduced in Lok Sabha on
4th December 1964

Bill No. 75 of 1964

THE SIKH GURDWARAS BILL, 1964

By

Sardar Amar Singh Saigal, M.P.

ARRANGEMENT OF CLAUSES

Part I

Preliminary

Clauses

1 Short title, extent and commencement

2 Definitions

Part II

Petitions to Central Government relating to Gurdwaras

3 Sikh Gurdwaras and properties belonging to them

4 Effect of omission to forward a list under section 3

5 Petitions of claims to property included in consolidated list and signing and verification thereof.

6 Notification of property not claimed under section 5 and effect of such notification.

7 Petition to have a Gurdwara declared a Sikh Gurdwara.

8 Petition to have it declared that a place asserted to be a Sikh Gurdwara is not such a Gurdwara.

9 Effect of non-presentation of a petition under section 8.

10 Petition of counter claim.

11 Claim for compensation by hereditary office holder or his presumptive successor.

PART III

Appointment of and proceeding before a Tribunal

12 Constitution and procedure of Tribunal.

13 Issue as to whether a Gurdwara is a Sikh Gurdwara.

14 Presumption in favour of a Notified Sikh Gurdwara.

15 Claim for compensation by a hereditary office holder who has resigned or has been dismissed.

16 Matters for consideration in awarding compensation.

17 Manner in which compensation is to be paid or recovered.

18 Suit for possession of undisputed property on behalf of Notified Sikh Gurdwara.

19 Entry of rights of Gurdwara in revenue records.

20 Power of tribunal to pass decrees for possession in favour of the Committee.

21 Exclusion of jurisdiction of courts.

22 Transfer of suits pending in Court

23 No suit against Central Government or Tribunal.

24 Appeals against order of Tribunal.

25 Courts not to pass an order or execute a decree inconsistent with decision of a Tribunal.

26 Court fees.

PART IV

Control of Sikh Gardwars

27 Control of Sikh Gurdwaras.

28 Government not to interfere with Gurdwaras except as provided in this Act.

29 Suits for relief claimable by application barred.

PART V

The Board

30 Board and its offices.

31 Composition and constitution of the Board.

32 Constituencies for election of members of the Board.

33 Qualifications of members of the Board.

34 Date of the Board Elections.

35 Qualifications of electors.

36 Term of membership of the Board.

37 Meetings of the Board.

38 Decisions before the Board.

39 Chairman at meeting of the Board.

40 Office bearers and the executive committee of the Board.

41 Vacancy in the Executive Committee.

42 Member of the Board not to be a member of a Committee.

43 Remuneration of office bearers.

44 Resignation of Members.

45 Staff of the Board.

PART VI

The Judicial Commission

46 The Judicial Commission.

47 Board to submit a list of names.

48 Members of the Board or Committee to resign if appointed a member of the Commission.

49 Salary of the member and officers of the Commission.

50 Court office and jurisdiction of the Commission.

51 Distribution of work if more commissions than one are constituted.

52 Execution of the orders of the Commission.

53 Removal of member of the Commission.

54 Decision as to whether a person is or is not a *patit*.

PART VII

Committees of Gurdwaras

55 Board as Committee of management and advisory Committees.

56 Committees of Gurdwaras other than those specified in section 55.

57 Qua ification for being a member of a Committee.

58 Removal of members of a Committee.

59 Meetings of the Committee.

60 President and Chairman of Committee and the procedure thereof.

PART VIII

Powers and Duties of the Board

61 Powers and Duties of the Board generally.

62 Control by Board over executive Committee.

63 Matters for consideration of Board.

64 Board to hold and administer trusts.

65 Setting of Schemes of administration.

66 Power of the Board to make by-laws

PART IX

Powers and duties of the Committee

67 General powers of Committees.

68 Ministers and the staff of the Committee.

69 Alienation of immovable property.

70 Powers of Committees to make regulations.

71 Offerings to the property of Gurdwaras and salaries of office holders to be their property.

PART X

Finance

72 Objects on which the funds of a gurdwara to be spent.

73 Annual contribution to the Board.

74 Recovery of contribution.

75 General Board Fund.

76 Trust Funds.

77 Board to maintain accounts of all trust funds and of General Board Fund.

78 Audit of accounts.

79 Board to consider auditors report.

80 Budget of the Board.

81 Accounts to be maintained by the Committees.

82 Audit of Committee Account.

83 Report of Auditors.

84 Budget of Committee.

PART XI

Miscellaneous

85 Right of interested persons to complain to commission in respect of misfeasance.

86 Notice of application to be given.

87 Act of the Board or committee not to be invalidated by informality.

88 Power of Central Government to make rules.

89 Enquiries into conduct of gurdwara elections.

90 Repeals.

Bill No. 75 of 1964

THE SIKH GURDWARAS BILL, 1964

By

SARDAR AMAR SINGH SAIGAL, M. P.

A

BILL

to provide for better administration of Sikh Gurdwaras situated in different States of Indian Union and for inquiries into matters connected therewith.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows.—

PART I

Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Sikh Gurdwaras Act, 1964.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

2. Definitions.—In this Act unless the context otherwise requires—

(1) "board" means the Shiromani Gurdwara Parbandhak Committee constituted under the provisions of this Act.

(2) (*i*) "committee" means a committee of management constituted under the provisions of this Act.

(*ii*) "advisory committee" means a committee constituted under the provisions of section 55.

(3) "commission" means the Judicial Commission constituted under the provisions of this Act.

(4) (*i*) "office" means any office by virtue of which the holder thereof participates in the management or performance of public worship in a gurdwara or in the management or performance of any rituals or ceremonies observed therein and "office holder" means any person who holds an office

(*ii*) "present office-holder" means a person who, on the commencement of this Act, holds an office.

(*iii*) "past office-holder" means a person who was an office-holder but ceased to be an office-holder before the commencement of this Act.

(*iv*) "hereditary office" means an office the succession to which before the first day of January, 1920 devolved according to hereditary right or by nomination by the office-holder for the time being, and "hereditary office-holder" means the holder of a hereditary office.

(*v*) "present hereditary office-holder" means a person who at the commencement of this Act is a hereditary office-holder.

(*vi*) "past hereditary office-holder" means a person who was a hereditary office-holder but ceased to be such office-holder before the commencement of this Act

(*vii*) "minister" means an office-holder to whom either solely or along with other the control of the management or performance of public worship in a Gurdwara and of the rituals and ceremonies observed therein is entrusted.

(5) "district" means a revenue district specified by the respective State Governments.

(6) "prescribed" means prescribed by the rules made under this Act.

(7) "presumptive successor" where the succession to the office devolves according to hereditary right, means the person next in succession to a hereditary office-holder, or, where the succession to the office devolves by nomination made by the hereditary office-holder for the time being means any *chela* so nominated before the first day of January, 1957.

(8) "resident" in any place means any person having a fixed place of abode or owning immovable property or land or practising a profession or carrying on business, or personally working for gain, in that place.

(9) "Sikh" means a person who professes the Sikh religion or, in the case of a deceased person who professed the Sikh religion or was known to be a Sikh during his life-time. If any question arises as to whether any living person is or is not a Sikh, he shall be deemed respectively to be or not to be a Sikh according as he makes or refuses to make in such manner as the Central Government may prescribe the following declaration.

I solemnly affirm that I am a Sikh, that I believe in the Guru Granth Sahib, that I believe in the Ten Gurus, and that I have no other religion.

(10) "Amritdhari Sikh", includes every person who has taken *Khande-ka-amrit* or *Khanda pahul* prepared and administered according to the tenets of Sikh religion and rites at the hands of five *pyaras* or 'beloved ones'.

(11) "*patit*" means a person who being a Keshadhari Sikh trims or shaves his beard or *keshas* or who after taking *amrit* commits any one or more of the four *kurahits*.

(12) "notified Sikh Gurdwara" means any Gurdwara declared by the Central Government by notification in the Official Gazette to be a Sikh Gurdwara under the provisions of this Act.

(13) "treasury" means a Government Treasury or sub-treasury and includes any bank to which the Government treasury business has been made over.

(14) "tribunal" means a tribunal constituted under the provisions of this Act.

PART II

Petitions to Central Government relating to Gurdwaras

3. Sikh Gurdwaras and properties belonging to then.—(1) Any Sikh or any present office holder of a Gurdwara situated in India may forward to the Central Government within ninety days from the commencement of this Act, a list signed and verified by himself of all rights, titles or interests in immovable properties situated in India inclusive of the Gurdwara and in all monetary endowments yielding, recurring income or profit received in India, which he claims to belong, to the best of his knowledge to the Gurdwara; the name of the person in possession of any such right, title or interest and if any such person is insane or minor the name of his legal or natural guardian and if any such right, title or interest is alleged to be in possession of the Gurdwara through any person, the name of such person shall be stated in the list and the list shall be in such form and shall contain such further particulars as may be prescribed.

(2) On receiving a list duly fowarded under the provisions of sub-section (1) the Central Government shall, as soon as may be, publish a notification declaring that a Gurdwara to which it relates is a Sikh Gurdwara and after the expiry of the period provided in sub-section (1) for forwarding such lists shall, as soon as may be, publish by notification a consolidated list in which all rights, titles and interests in any such properties which have been included in any list duly fowarded, shall be included and shall also cause the consolidated list to be published in such manner as may be prescribed.

(3) The Central Government shall as soon as may be, send by registered post, a notice of the claim to any right, title or interest included in the consolidated list to each of the persons named therein as being in possession thereof either on his own behalf or on behalf of the Gurdwara;

Provided that no such notice shall be sent if the person named as being in possession is the person who forwarded the list in which the right, title or interest was claimed.

(4) The publication of a declaration and of a consolidated list under the provisions of sub-section (2) shall be conclusive proof that the provisions of sub-sections (1), (2) and (3) with respect to such publication have been duly complied with and that the Gurdwara is a Sikh Gurdwara and the provisions of this Act shall apply to such Gu dwara with effect from the date of the publication of the notification declaring it to be a Sikh Gurdwara.

4. **Effect of omission to forward a list under section 3.**—If, in respect of any Gurdwara in India, no list has been forwarded under the provision of preceding section, the Central Government shall, aft r the expiry of ninety days from the commencement of this Act, declare that such Gurdwaras shall be deemed to be excluded from specification.

5. **Petitions of claims to property included in consolidated list and signing and verification thereof.**—Any person may forward to the Central Government within ninety days from the date of publication of notification under sub-section (2) of section 3, a petition claiming a right, title or interest in any property included in the consolidated list except a right, title or interest in the Gurdwara itself ; and such petition shall be signed and verified by the person forwarding it in the manner provided in the Code of Civil Procedure 1908, (5 of 1908) for the signing and verification of plaints and shall specify the nature and the grounds of the claim.

6. **Notification of property not claimed under section 5 and effect of such notification.**—The Central Government shall, as soon as may be, after the expiry of the period of making a claim under the provisions of section 5 publish a notification specifying the rights, titles or interests in any properties in respect of which no such claim has been made and the

publication of the notification shall be conclusive proof of the fact that no such claim was made in respect of any right, title or interest specified in the notification.

7. Petition to have a Gurdwara declared a Sikh Gurdwara.—(1) Any fifteen or more Sikh worshippers of a Gurdwara, each of whom is more than twenty one years of age and is a resident in the district in which the Gurdwara is situated, may forward to the Central Government within three years from the commencement of this Act or within such further period as the Central Government may by notification fix for this purpose, a petition praying to have the Gurdwara declared to be a Notified Sikh Gurdwara.

(2) A petition forwarded under the provisions of sub-section (1) shall state the name of the Gurdwara and of the district in which it is situated and shall be accompanied by a list verified and signed by the petitioners of all rights, titles or interests in immovable properties situated in India inclusive of the Gurdwara and all monetary endowments yielding recurring income or profit received in India which the petitioners claim to belong within their knowledge to the Gurdwara; the name of the person in possession of any such right, title or interest and if any such person is insane or minor, the name of his legal or natural guardian or if there is no such guardian, the name of the person with whom the insane person or minor is residing and if any such right, title or interest is alleged to be in possession of the Gurdwara through any person the name of such person shall be stated in the list.

(3) On receiving such petition, the Central Government shall, as soon as may be, publish it along with the accompanying list and shall cause it and the list to be published in such manner as may be prescribed at the headquarters of the District in which the Gurdwara is situated and shall also give such other notice thereof as may be prescribed :

Provided that such petition may be withdrawn by the Board at any time before publication and on such withdrawal,

it shall be deemed as if no petition had been forwarded under the provision of sub-section (1).

(4) The publication of a notification under sub-section (3) shall be conclusive proof that the provisions of sub-sections (1), (2) and (3) above have been complied with.

8. Petition to have it declared that a place asserted to be a Sikh Gurdwara is not such a Gurdwara.—Any hereditary office holder or any fifteen or more worshippers of the Gurdwara, each of whom is more than twenty one years of age and was, at the commencement of this Act a resident of the district in which the Gurdwara is situated, may within ninety days from the date of publication of the notification under sub-section (3) of section 7 forward to the Central Government a petition signed and verified by the petitioner or the petitioners as the case may be, claiming that the Gurdwara is not a Sikh Gurdwara.

9. Effect of non-presentation of a petition under section 8.—(1) If no petition has been presented under section 8 in respect of a Gurdwara to which a notification published under sub-section (3) of section 7 relates, the Central Government shall after the expiration of ninety days from the date of said notification publish a notification declaring the Gurdwara to be a Sikh Gurdwara.

(2) The publication of a notification under sub-sectin (1) shall be conclusive proof that the Gurdwara is a Sikh Gurdwara and the provisions of this Act shall apply to the Gurdwara with effect from the date of the publicatfon of the notification.

10. Petition of counter claim.—(1) Any person may forward to the Central Government within ninety days from the date of the publication of a notification under sub-section (3) of section 7 a petition claiming a right, tlitle or interest in any property included in the list so published and such petition shall be signed and verified by the petitioner in the manner provided by the Code of Civil Procedure 1908 (5 of 1:08) for the signing and verification of plaints and shall specify

the nature of the right, title or interest claimed and the grounds of the claim.

(2) The Central Government shall as soon as may be, after the expiry of the period for making such claim publish a notification specifying the rights, titles or interests in respect of which no such claim has been made and the notification shall be conclusive proof of the fact that no such claim was made in respect of any right, title or interest specified in the notification.

11. Claim for compensation by hereditary office holder or his presumptive successor.— Any hereditary office-holder of a Gurdwara in respect of which a notification has been published under sub-section (3) of section 7 or a presumptive successor of such office-holder may forward to the Central Government within ninety days from the date of such publication a petition claiming to be awarded compensation on the ground that such office-holder or his presumotive successor will suffer pecuniary loss if the Gurdwara is declared to be Sikh Gurdwara and such petition shall be signed and verified by the petitioner in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908) for the signing and verification of plaints.

PART III

Appointment of and proceeding before a Tribunal

12. Constitution and procedure of Tribunal.—(1) For purpose of deciding claims made in accordance with the provisions of this Act, the Central Government may from time to time appoint one or more Tribunals consisting of—

(a) A president who shall be a retired judge of a High Court.

(b) Two other members of whom one shall be a District Judge and the other shall be an advocate of a High Court who has been in practice for a period of not less than ten years.

Provided that nothing in this sub-section shall be deemed to prevent the appointment of a President of the Tribunal before the appointment of any other member.

(2) Whenever a vacancy occurs in a Tribunal by reason of the removal, resignation or death of a member, the Central Government shall appoint another person to fill the vacancy and upon his joining the Tribunal the trial shall be continued as if he has been on the Tribunal from the commencement of the trial.

(3) If more Tribunals than one are constituted, the Central Government may by notification direct which Tribunal may entertain petitions relating to a particular Gurdwara or Gurdwaras situated in any state and may at any time transfer any proceedings from one Tribunal to another as it may deem proper.

(4) A Tribunal shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (5 of 1908) and shall have unlimited jurisdiction as regards value throughout India and shall have no jurisdiction over any proceedings other than that expressly vested in it by this Act.

(5) The proceedings before a Tribunal shall so far as may be and subject to theprovisions of this Act. be conducted in accordance with the provisions of the Code of Civil Procedure, 1908: (5 of 1908)

Provided that no proceeding shall be taken by a Tribunal unless at least two members are present;

Provided further that notices and summons may be issued by the President of the Tribunal or a member nominated by the President for this purpose.

(6) In case of a difference of opinion between the members of the Tribunal the opinion of the majortity shall prevail;

Provided that if only two members are present of whom one is the President and if they are not in agreement, the opinion of the President shall prevail; and if the President

be not present and the two remaining members are not agreed, the question in dispute shall be kept pending until next meeting of the Tribunal at which the President is present and the opinion of the majority or of the President when only two members are present, shall be deemed to be the opinion of the Tribunal.

(7) Save as otherwise provided in this Act a decree or order of a Tribunal shall be executed or otherwise given effect to by the District Court of the District in which the Gurdwara in connection with which the decree or order was passed is situated, as if the decree or order had been a decree or order passed by such Court.

(8) The Central Government shall forward to a Tribunal all petitions received by it under sections 5, 6, 8, 10 and 11 for disposal thereof in accordance with the provision of this Act and the forwarding of petitions shall be conclusive proof that the petitions were received by the Central Government within the time prescribed in sections 5, 10 and 11, as the case may be.

13. Issue as to whether a Gurdwara is a Sikh Gurdwara.—(*1*) Notwithstanding anything contained in any other law in force, if in any proceeding before a tribunal it is disputed that a gurdwara should or should not be declared to be Sikh Gurdwara, the tribunal shall, before enquiring into any other matter in dispute relating to the said gurdwara, decide whether it should or should not be declared a Sikh Gurdwara in accordance with provisions of sub-section (*2*).

(2) If the tribunal finds that the gurdwara—

(*i*) was established by, or in memory of the Ten Sikh Gurus, or in commemoration of any incident in the life of any of the Ten Sikh Gurus and was used for public worship by Sikhs, before and at the time of the presentation of the petition under sub-section (*1*) of section 7, or

(*ii*) owing to some tradition connected with one of the Ten Sikh Gurus, was used for public worship predominantly by Sikhs, before and at the

time of the presentation of the petition under sub-section (*1*) of section 7, or

(*iii*) was established for use by Sikhs for the purpose of public worship and was used for such worship by Sikhs, before and at the time of the presentation of the petition under sub-section (*1*) of section 7, or

(*iv*) was established in memory of a Sikh martyr, saint or historical person and was used for public worship by Sikhs, before and at the time of the presentation of the petition under sub-section (*1*) of section 7, or

(*v*) owing to some incident connected with the Sikh religion was used for public worship predominantly by Sikhs, before and at the time of the presentation of the petition under sub-section (*1*) of section 7,

the tribunal shall decide that it should be declared to be a Sikh Gurdwara, and record an order accordingly.

(3) When a Tribunal has under the provisions of sub-section (2), recorded a finding that a Gurdwara should be declared to be a Sikh Gurdwara and no appeal has been instituted against such finding within the prescribed period or when an appeal has been instituted and dismissed or when in appeal against a finding that a Gurdwara should not be declared to be a Sikh Gurdwara, the High Court as the case may be, shall inform the Central Government and the Central Government shall as soon as may be, publish a Notification declaring such Gurdwara to be Sikh Gurdwara and the provisions of this Act shall apply thereto with effect from the date of the publication of such notification.

14. Presumption in favour of a Notified Sikh Gurdwara.—(1) In any proceedings before a tribunal, if any past or present office-holder denies that a right, title or interest recorded, in his name or in that of any person through whom he claims in a record of rights, or in an annual record, prepared in accordance with the provisions of the Land

Revenue Acts of various States and claimed to belong to a Notified Sikh Gurdwara, does so belong, and claims such right, title or interest belong to himself, there shall be a presumption that such right, title or interest belongs to the gurdwara upon proof of any of the following facts, namely,—

(*a*) an entry of the right, title or interest made before the first day of January 1957, in a record-of-rights, prepared at the time of general assessment of land revenue, in the name of the gurdwara or in the name of the holder of an office pertaining to the gurdwara as such, and not by name;

(*b*) an assignment of the land revenue, of, or of the proprietary right in, land at any time for the service or maintenance of the gurdwara notwithstanding that the assignment may be or may have been in the name of an office-holder, where the right claimed is an assignment of the land revenue of, or of the proprietary right in, the land, as the case may be;

(*c*) the dismissal or removal of an office-holder before the first day of January 1957 and the consequent transfer of the right, title or interest in question to his successor in office;

(*d*) the expenditure of the whole or part of the income derived from the right, title or interest in question ordinarily on the service or maintenance of the gurdwara;

(*e*) the acquisition of the right, title or interest in question from funds proved to have belonged to the gurdwara;

(*f*) the submission by the office-holder or any of his predecessors in office of accounts relating to the income from the right, title or interest in question to the worshippers or to a managing body;

(*g*) the devolution of the succession to the right, title or interest in question from an office-holder

to the successor in office as such on two or more consecutive occasions; and

(*h*) any other fact which shows that the right, title or interest in question was at any time of the nature of a trust pertaining to the gurdwara or was purchased from funds ofthe nature of trust funds pertaining to the gurdwara.

15. Claim for compensation by a hereditary office-holder who has resigned or has been dismissed.—Any hereditary office-holder of a Notified Sikh Gurdwara, who, within twelve months after the date of the publication of a notification declaring the gurdwara to be a Sikh Gurdwara, has resigned office, or been removed from office otherwise than in accordance with the provisions of section 63 or under the provisions of section 85 or a presumptive successor of such office-holder, may within ninety days from the date of the resignation or removal, as the case may be, of such office-holder present a petition to a tribunal claiming to be awarded compensation on the ground that he has suffered or will suffer pecuniary loss owing to a change in the management of the gurdwara, and the tribunal may, notwithstanding the fact that such office-holder has voluntarily resigned, order compensation to be paid in accordance with the provisions of this Act, as if such office-holder had been unlawfully removed from his office.

16. Matters for consideration in awarding compensation.—(1) In deciding claims for compensations made under the provisions of section 15, a Tribunal shall take into consideration :—

(*i*) the past conduct of the claimant where such conduct has been or is in issue in a suit or other proceedings in a civil or Revenue Court instituted before 1st January 1957;

(*ii*) the conviction of the claimant by a criminal court for an offence which in the opinion of the Tribunal involves moral turpitude or an order passed against himunder the provisions

of sections 109 , 110 and 118 of the Code of Criminal Procedure, 1898 (5 of 1898);

(*iii*) the loss of income, not being of the nature of trust income, incurred by reasons of an office-holder ceasing to hold office; and

(*iv*) all rights or privileges relating to residence, subsistence, service and other recognized allowances in cash or kind formerly enjoyed by the claimant.

(2) In awarding compensation, a Tribunal shall, unless the parties agree to its being paid otherwise, order it to be paid out of the income accruing to the Gurdwara in which the office-holder held office in the form of an allowance payable annually on a specified date for any period but terminable in any case on the death of the person compensated.

(3) If any person to whom compensation has been ordered to be paid by a Tribunal dies, his heir shall be entitled only to such sum as has become payable under the order but has not been paid.

17. Manner in which compensation is to be paid or recovered.—Every sum ordered by a Tribunal to be paid out of the income of a Gurdwara by way of compensation shall be deposited in the treasury of the District Tehsil or Taluqa in which the Gurdwara is situated and shall be paid to the person or persons entitled to it under such order or under sub-section (3) of section 16 in such a manner as may be prescribed and if it is not so deposited, shall be recoverable out of the property or income of such Gurdwara by the Collector as if it were an arrear of land revenue.

18. Suit for possession of undisputed property on behalf of Notified Sikh Gurdwara.—(1) When a notification has been published under sub-section (2) of section 3 or sub-section (3) of section 7, the Committee of the Gurdwara concerned may bring a suit on behalf of the Gurdwara for the possession of any property, a proprietary title in which has been

specified in such notification provided that the Gurdwara concerned is entitled to immediate possession of the property in question and is not in possession thereof at the date of the publication of such notification.

(2) The suit shall be instituted in the principal Court of original jurisdiction in which the property in question is situated within a period of three years from the date of publication of such notification or from the date of the constitution of the Committee whichever is later.

19. Entry of rights of Gurdwara in revenue records.— When it has been decided under the provisions of this Act that a right, title or interest in immovable property belongs to a Notified Sikh Gurdwara or when a right, title or interest in such property has been included in a list published under sub-section (3) of section 5 or sub-section (3) of section 10, the Collector of the district in which the property is situated shall on application being made to him on this behalf, cause an entry to be made in the records-of-rights, if any, of the estate in which the property is situated, recording the Gurdwara as the owner of such right, title or interest.

20. Power of tribunal to pass decrees for possession in favour of the committees.—When it has been decided under this Act that a right, title or interest in immovable property belongs to a Notified Sikh Gurdwara concerned or the person in whose favour, a declaration has been made, either party may within a period of one year from the date of the decision or the date of the constitution of the committee whichever is later, institute a suit before a tribunal claiming to be awarded possession of the right, title or interest in the immovable property in question, as against the parties to the previous petition and the tribunal shall, if satisfied that the claim relates to the right, title or interest in the immovable property, which has been held to belong to the Gurdwara or to the person in whose favour the declaration has been made, pass a decree for possession accordingly.

21. Exclusion of jurisdiction of courts.—(1) No court shall continue any proceedings in so far as such proceedings involve any claim relating to a Gurdwara to which a notification has been published under the provisions of sub-section (2) of section 3 or in regard to which a notification has been published under sub-section (3) of section 7 if such claim could have been made through a petition under any of the provisions of this enactment unless and until such Gurdwara is excluded from the operation of this Act.

(2) No court shall entertain or continue any suit or proceedings in so far as such suit or proceedings involve any claim to or prayer for restoration of any person to an office in a notified Sikh Gurdwara or any prayer for the restoration or establishment of any system of management of a Sikh Gurdwara other than a system of management established under the provisions of this Act.

(3) When any place has been declared by notification under the provisions of this Act to be a Sikh Gurdwara, the right of any office-holder thereof who holds office on the date of the publication of such notification to continue to hold his office shall be decided in accordance with the provisions of this Act.

22. Transfer of suits pending in court.—(1) Where in any suit or proceeding pending at the commencement of this Act, or instituted after its commencement in a civil or revenue court, it has become or becomes necessary to decide any claim in connection with a Notified Sikh Gurdwara, which the court finds might be made under any of the provisions of this Act, within the prescribed time, the court shall frame an issue in respect of such claim and shall forward record of the suit or proceedings to a tribunal.

(2) The tribunal shall, thereupon, proceed to hear and determine such issue and record its decision in the form of an order and shall return the record with a copy of its decision to the court and the court shall then proceed to determine the suit or proceeding in accordance with such decision, subject to section 24.

23. No suit against Central Government or tribunal.—No suit shall lie in any court to question anything purporting to be done by the Central Government or by a tribunal, in exercise of any powers vested in it by or under this Act.

24. Appeals against order of Tribunal.—(1) Any party aggrieved by a final order passed by a tribunal determining any matter decided by it under the provisions of this Act, may within ninety days of the date of such order appeal to the High Court, within whose jurisdiction the gurdwara in connection with which the order has been passed, is situated.

(2) No appeal or application for revision shall lie against an order of a tribunal except as provided for in sub-section (1).

(3) An appeal preferred under the provisions of this section shall be passed by a Division Bench of the High Court.

25. Courts not to pass an order or execute a decree inconsistent with decision of a tribunal.—Except as provided in this Act, no court shall pass any order or grant any decree or execute wholly or partly, any order or decree, if the effect of such order, decree or execution would be inconsistent with any decision of a tribunal or any order passed on appeal therefrom under section 24.

26. Court fees—Notwithstanding anything contained in any Act to the contrary, the court fee payable on documents and petitions of the description shall be specified by the Central Government from time to time and shall be paid in such manner as may be prescribed.

PART IV

Control of Sikh Gurdwaras

27. Control of Sikh Gurdwaras.—(1) For the purposes of this Act, there shall be constituted Board and for every Notified Sikh Gurdwara, a committee of management, and there shall also be constituted from time to time, a judicial commission in the manner hereinafter provided.

(2) The management of every Notified Sikh Gurdwara shall be administered by the committee constituted therefor, the Board and the Judicial Commission in accordance with the provisions of this Act.

28. Government not to interfere with Gurdwaras except as provided in this Act.—Save as provided in this Act, it shall not be lawful for the Central Government or any State Government or for any executive officer of the said Central or State Government as the case may be in his official capacity, to undertake or assume the superintendence of any land or other property granted for the support of or otherwise belonging to, any Notified Sikh Gurdwara; to take any part in the management or appropriation of any endowment made for its maintenance or to nominate or appoint any office holder of, or to be concerned in any way with such Gurdwara.

29. Suits for relief claimable by application barred.—Notwithstanding anything contained in any Act to the contrary, no suit shall be instituted or continued in any court claiming any relief in respect of the management or administration of a Notified Sikh Gurdwara, if such relief might be or might have been claimed in an application made under the provisions of this Part or succeeding parts of this Act.

PART V

The Board

30. Board and its offices.—(1) The Board shall, by the name of "Shiromani Gurdwara Parbandhak Committee, Amritsar", be a body corporate and shall have a perpetual succession and a common seal and shall by such name sue and be sued.

(2) The Board through its Secretary shall have its Head Office at Amritsar and have one or more sub-offices at other places in India as the Board may from time to time decide :

Provided that all communications and notices to the Board shall be addressed to its office at Amritsar.

31. Composition and constitution of the Board.—(1) The Board shall consist of :—

(*i*) 100 elected members.

(*ii*) The head ministers of Sri Darbar Sahib, Amritsar, Sri Akal Takhat Sahib, Amritsar, Sri Takhat Kesgarh Sahib, Anandpur, Sri Takhat Patna Sahib and Sri Takhat Hazur Sahib, Nanded.

(*iii*) 10 members resident in India, co-opted by the members of the Board described in clauses (*i*) and (*ii*).

(2) The Central Government shall, as soon as may be, call a meeting of the members of the Board described in clauses (*i*) and (*ii*) for the purpose of co-opting the members described in clause (*iii*) and after the members have been co-opted, it shall notify the fact of the Board having been duly constituted and the date of the co-option shall be deemed to be the date of the constitution of the Board.

32. Constituencies for election of members of the Board.—The constituencies by which the elected members of the Board shall be returned, shall be specified by the

Central Government and each constituency shall return a single member :

Provided that the Central Government after consultation with the Board may from time to time alter the local limits of any constituency.

33. Qualifications of members of the Board—(1) A person shall not be qualified to be elected or co-opted as a member of the Board unless he is an elector for any constituency specified by the Central Government.

(2) A person shall be disqualified for being elected or co-opted to and for being a member of the Board if such person—

(*a*) has not attained the age of 35 years ;

(*b*) being a Keshadhari Sikh is not an Amritdhari ;

(*c*) is a *Patit* ;

(*d*) takes alcoholic drinks ;

(*e*) cannot read or recite Path of Sri Guru Granth Sahib ;

(*f*) holds any office of profit under the Government of India or under the Government of any State or under any corporation in which the Central or State Government has any share or financial interest ;

(*g*) is a minister other than those specified in clause (*ii*) of sub-section (1) of section 31 of any Notified Sikh Gurdwara or is a paid servant thereof or of the Board ;

(*h*) has been convicted of any offence involving moral turpitude unless a period of ten years has elapsed since his release ;

(*i*) has been dismissed from any office under Government of India, or the Government of any State or under Board or from any Notified Sikh Gurdwara for corruption or misbehaviour involving moral turpitude unless a period of ten years has elapsed since his dismissal ;

(*j*) is of unsound mind ;

(*k*) is an undischarged insolvent.

(3) If any person having been elected or co-opted member of the Board subsequently becomes or is found to be by the Board subject to any of the disqualifications enumerated in sub-section (2), he shall forthwith cease to be a member thereof.

34. Date of the Board Elections.—(1) Elections of members of the Board under the provisions of this Act shall be held on dates to be fixed by the Central Government.

(3) An electoral roll shall be prepared in such manner as may be prescribed for every constituency, on which shall be entered the names of all persons entitled to be registered as electors in that constituency.

35. Qualifications of electors.—(1) Every person shall be entitled to have his name registered on the electoral roll of a constituency constituted for the election of a member of the Board who—

(*i*) is a resident in that constituency ;

(*ii*) is a Sikh more than 25 years of age, who has had his name registered as a voter in such manner as may be prescribed :

Provided that no person shall be registered as an elector who—

(*a*) cannot read or write Gurmukhi ;

(*b*) trims or shaves his beard or *Keshas*, except in case of Sehajdhari Sikhs ;

(*c*) smokes ;

(*d*) takes alcoholic drinks ;

(*e*) cannot verbally recite Japji Sahib.

(2) Every person registered on the electoral roll for the time being in force for any constituency for the election

of a member of the Board shall be entitled while so registered to vote at an election of a member for that constituency provided that no person shall be entitled to vote at an election for more than one constituency.

36. Term of Membership of the Board.—(1) The member of the Board shall hold office for five years from the date of its constitution or until the constitution of a new Board, whichever is later.

(2) When a vacancy occurs in the Board owing to the death or resignation of a member or for any other reason, a new member shall be elected or co-opted as the case may be, in the manner in which the member whose seat is to be filled was elected or co-opted.

37. Meetings of the Board.—(1) The Board shall meet at least three times in each year.

(2) Meetings of the Board other than the first meeting shall be called by fourteen days' notice in writing served on every member of the Board in such manner as may be prescribed by bye-laws made by the Board but the first general meeting of the Board shall be held at a time not later than one month after the Central Government has notified that it has been constituted and notice thereof shall be given by notification in Official Gazette.

(3) An annual general meeting of the Board shall be held in every year in the month of March for purpose of adopting budget.

(4) The powers vested by this Act in the Board in General meeting shall not be exercised except by the Board at a meeting at which 25 or more members are present.

38. Decisions before the Board.—Except as otherwise provided by this Act, all questions or matters before the Board or its executive Committee shall be decided by a majority of the votes of the members present and in the case of an equality of votes, the Chairman shall have a second or casting vote.

39. Chairman at meeting of the Board.—The President shall be the Chairman at the meetings of the Board and of the executive Committee and in his absence the Vice-President shall be the Chairman.

40. Office bearers and the executive Committee of the Board.—(1) The Board shall at its first general meeting elect by a ballot one of its members to be President and another to be Vice-President to be known as office-bearers of the Board, and shall also at the same meeting in like manner elect seven of its members to be members of the executive Committee of the Board and the office-bearers and members so elected shall be the Executive Committee of the Board.

(2) The executive Committee of the Board shall exercise on behalf of the Board all powers conferred on the Board under the Act, which are not expressly reserved to be exercised by the Board in general meeting.

41. Vacancy in the Executive Committee.—(1) If a vacancy occurs in the executive committee, the remaining members of the executive committee, may, if the vacancy is that of an office-bearer, appoint one of themselves, or if the vacancy is that of any member other than an office-bearer, nominate any member of the Board temporarily to fill the vacancy until the next following general meeting of the Board, and the Board shall at such meeting elect a member of the Board to fill the vacancy.

(2) A member of the executive committee of the Board may resign the office by giving notice to the President, and an office-bearer may resign his office by giving notice to the executive committee, and such resignation shall have effect from the date on which the resignation was accepted by the President or executive committee, as the case may be.

42. Member of the Board not to be member of a committee.—If any member of the Board at any time

becomes a member of a committee of management, or an advisory committee, he shall forthwith cease to be a member of the Board.

43. Remuneration of office-bearers.—Any office-bearer of the Board may receive out of the fund of the Board such salary or other remuneration as may from time to time be fixed by the Board in gereral meetings.

44. Resignation of members.—A member of the Board may resign by giving notice to the President and an office-bearer may resign his office by giving notice to the Board and such resignation shall have effect from the date on which the resignation was accepted by the President or the Board as the case may be.

45. Staff of the Board.—(1) The Board shall from time to time appoint one chief Secretary, and shall further appoint one or more persons to be its secretary, who will be in-charge of different departments and may suspend, remove, dismiss or otherwise punish any official so appointed.

(2) Subject to the provisions of this Act, and the rules and byelaws made thereunder, the executive committee of the Board may appoint such other officers and the staff, as it may deem to be necessary for the due performance by itself of its duties and may from time to time determine the number, designation, grade and scales of salary or other remuneration of such servants and may at any time fine, reduce, suspend, remove, dismiss or otherwise punish any officer or servant so appointed.

PART VI

The Judicial Commission.

46. The Judicial Commission.—(1) The Judicial Commission shall consist of a single member who shall be an Amritdhari Sikh and the Central Government may from time to time appoint a commission or more commissions than one, if necessary.

(2) No person shall be appointed to be a member of the Commission unless he has been an advocate of any High Court for an aggregate period of not less than ten years.

(3) A member of the commission shall be selected by the Central Government out of the list of qualified persons prepared and maintained as described in section 47.

47. Board to submit a list of names.—(1) For the purpose of constitution of such Commission, every Board shall, within ninety days of its constitution, submit a list of the names of five persons nominated by the Board and the Central Government shall, after being satisfied that the persons so nominated are qualified as required by section 46, record the list.

(2) A person whose name is on the list described in sub-section (1) shall be entitled to have his name retained th reon for five years after his nomination has been recorded.

(3) If any person whose name is on the list dies or applies to the Board to have his name removed therefrom, the Board shall inform the Central Government and his name shall be removed from the list.

(4) The Central Government shall on request being made to it by the Board remove from the list, the name of any person whose name has been on the list for more than five years provided that the name of any person shall not be so removed while such member is a member of the Commission.

(5) When a name has been removed from the list, the Board shall nominate a qualified person for the purpose of filing the vacancy and the Central Government shall

after being satisfied that such person is qualified place his name on the list.

48. Member of the Board or of a committee to resign if appointed a member of the Commission.—If any person, who is a member of the Board or of a Committee is appointed to be a member of the Commission and accepts the appointment, he shall forthwith cease to be a member of the Board or Committee as the case may be.

49. Salary of the member and officers of the Commission.—(1) The member of the Commission, while he continues as such, shall receive such remuneration and travelling expenses as may be fixed from time to time by the Central Government in consultation with the Board and shall be deemed to be public servant, while he continues as such, within the meaning of section 21 of Indian Penal Code (45 of 1860).

(2) The Central Government may from time to time appoint such officers and staff as it may deem to be necessary for the performance of its duties by the Commission and the officers and servants so appointed shall whi e they continue as such be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

(3) The net expenses arising from the appointment of the Commission including the remuneration of its member, officer and the staff shall be defrayed by the Board.

(4) Any sum due to the Central Government under the provisions of sub-section (3) shall, if not recovered within a year after a demand has been made, be recoverable as if it were an arrear of land revenue.

50. Court office and jurisdiction of the Commission.—(1) The Commission shall have its Court and office at such place or places as may be fixed by the Central Government from time to time in consultation with the Board.

(2) The Commission shall for the purpose of deciding any matter which it is empowered to decide under th provisions of this Act, have the same powers as are vasted

in a court by the Code of Civil Procedure, 1908 (5 of 1908), and shall have jurisdiction unlimited as regards value, throughout India and shall have no jurisdiction over any proceedings other than is expressly vested in it by the Act.

(3) The proceedings of the Commission shall, so far as may be and subject to the provisions of this Act, be conducted in accordance with the provisions of the Code of Civil Procedure 1908 (5 of 1908), and save as otherwise provided by this Act, all orders of the Commission shall be final.

(4) Notwithstanding anything in any enactment to the contrary no document shall be inadmissible in evidence in any proceedings before the Commission on the ground that it is not duly stamped or registered.

51. Distribution of work if more Commissions than one are constituted.—(1) If more Commissions than one are constituted, the Central Government may by notification direct, which Commission may entertain applications relating to a particular gurdwara or gurdwaras situated in any specified State and may at any time transfer proceedings from one Commission to another as it may deem proper.

(2) The language of the Commission shall be such as the Commission may from time to time determine.

52. Execution of the orders of the Commission.—(1) A decree or order of the Commission shall be executed or otherwise given effect to by the District Court of the district in which the gurdwara in connection with which the decree or order was passed is situated, or by the District Court to which the Commission directs that any decree or order shall be sent for this purpose as if the decree or order had been a decree or order passed by such court.

(2) At the time of making a final order the Commission shall also make an order fixing the total amount of costs payable and specifying the persons or parties by and to whom costs shall be paid.

53. Removal of member of the Commission.—(1) If a vacancy occurs in the Commission it shall be filled by the appointment by the Central Government of some other qualified persons in the same manner as that in which the person whose seat is to be filled was appointed.

(2) The Central Govern nent may with consultation of the Board and shall on request being made to it for this purpose by the Board, remove, any member of the Commission if—

(*i*) he refuses to act or becomes incapable of acting or unfit or undesirable to act as a member, or

(*ii*) if it is satisfied after such enquiry as it may deem necessary that he has flagrantly abused his position as a member, or

(*iii*) if he has served as a member for more than 10 years.

(3) The Central Government may at any time, when there is no proceeding pending before the Commission dissolve the Commission.

54. Decision as to whether a person is or is not a *patit*.—If it is necessary to decide for the purposes of the constitution of the Board, or a Committee under the provisions of this Act, whether a person has or has not become *Patit*, the question shall on application being made thereunder for this purpose be decided by the Commission.

PART VII.

Committees of Gurdwaras.

55. Boards as Committee of management and advisory committees.—(1) The Board shall be the Committee of Management for the Gurdwaras known as:—

(*i*) Sri Akal Takhat Sahib, Sri Darbar Sahib, Baba Attal Sahib and all other Notified Sikh Gurdwaras within the municipal areas of both Amritsar and Taran Taran (Punjab).

(*ii*) Sri Takhat Keshgarh Sahib Anandpur (Punjab) and all other Notified Sikh Gurdwaras connected therewith.

(*iii*) The Notified Sikh Gurdwaras at Mukatsar (Punjab).

(*iv*) Gurdwara Dukh Niwaran Sahib Patiala, Gurdwara Fatehgarh Sahib Sarhand and all other Scheduled Gurdwaras within the boundaries of Patiala Division of Punjab State.

(*v*) Gurdwaras Sis Ganj Sahib, Gurdwara Rikab Ganj Sahib and all other Notified Sikh Gurdwaras within the boundaries of Delhi.

(*vi*) Sri Takhat Sahib Patna and all other Notified Sikh Gurdwaras within the boundaries of Bihar State.

(*vii*) Sri Takhat Hazoor Sahib Nanded (Bombay) and all other Notified Sikh Gurdwaras within the boundaries of Bombay State.

(*viii*) Gurdwara Bari Sikh Sangat Harrison Road, Calcutta and 11 other Notified Sikh Gurdwaras within the boundaries of Bengal and Assam States.

(*ix*) Gurdwara Pili Bhit Nainital, Gurdwara Sikh Sangat Varanasi and other Notified Sikh Gurdwaras situated within the areas of the Uttar Pradesh State.

(*x*) Gurdwaras other than those specified in (*i*) to (*ix*) in the Union territory.

(*xi*) All other notified Sikh Gurdwaras within the boundaries of Madhya Pradesh, Orissa, Madras, Kerala, Andhra Pradesh, Rajasthan and Kashmir.

(2) The Board shall prepare a scheme of administration and management of the Gurdwaras descri sub-section (1) and the property, endowments, f

incomes thereof. Thereafter, such schemes may be modified or amended from time to time by a resolution of the Board passed by a majority of two-thirds of the members present in the meeting :

Provided that any scheme so prepared shall provide that 10 per cent of the gross income of every gurdwara enumerated in sub-section (1) be earmarked for preaching, propagation and promotion of Sikh religion.

(3) For the purposes of advising the Board in the discharge of its functions as Committee of Management of the Gurdwaras specified in sub-secton (1), the Board shall constitute an Advisory Committee for each of the groups of Gurdwaras mentioned in clauses (*i*) to (*ix*) of that sub-section consisting of such number of persons not exceeding seven and not less than three as the Board may think fit, such persons being chosen from among the residents of the State in which the Gurdwaras are situated.

56. Committees of Gurdwaras other than those specified in section 55.—(1) For every Notified Sikh Gurdwara other than a gurdwara specified in section 55, a Committee shall be constituted after it has been declared to be a Sikh Gurdwara under the provisions of this Act provided that the Central Government may with consultation of the Board by notification direct that there shall be one Committee for any two or more such Gurdwaras specified in the notification.

(2) Any committee other than an advisory committee for which provision is made in section 55, shall consist of three to five members, who will all be nominated by the Board and who shall be all residents in the District or Taluqa in which the Gurdwara or one of the Gurdwaras to be managed by the Committee is situated.

(3) The Committee described in sub-sections (1) and (2) shall be constituted as soon as may be after the constitution of the Board and every committee shall continue for seven years from the date of its constitution or until a new committee has been constituted, whichever is later.

(4) As and when the members of the committee described above have been nominated, the Government of the State in which the Gurdwara or Gurdwaras are situated shall notify this fact stating that the committee has been duly constituted and the date of the publication of that notification shall be deemed to be the date of the constitution of the committee.

(5) Every committee shall be a body corporate by the name of Committee of. Management of the Gurdwara or Gurdwaras under its management and shall have perpetual succession and a common seal and shall by such name sue and be sued.

57. Qualification for being a member of a Committee.— A person shall not be nominated by the Board to be a member of a Committee if he—

(*i*) is a member of the Board of an advisory Committee, or

(*ii*) is less than 31 years of age, or

(*iii*) is a *Patit* or not a Sikh, or

(*iv*) is of unsound mind or an undischarged insolvent, or

(*v*) is a minister or a paid servant of a Notified Sikh Gurdwara, or

(*vi*) being a *Keshadhari* Sikh is not an *Amritdhari*, or

(*vii*) takes alcoholic drinks, or

(*viii*) cannot read or write Gurmukhi, or

(*ix*) is suffering from any of the disqualifications mentioned in clauses (*f*) to (*k*) of sub-section (2) of section 33.

58. Removal of members of a Committee.—(1) If any person having been nominated a member of the Committee becomes or is found to be by the Board subject to any of disabilities stated in section 57 he shall cease to be a member thereof.

(2) If any member of the Committee absents himself from three consecutive meetings of the Committee his name may be removed from membership by the Board provided if he applies to the Board within one month of the removal of his name to be restored to such membership, the Board may restore him to office, provided further that no member shall be restored more than three times to the same Committee.

(3) On occurrence of a vacancy in a committee, the Board shall appoint any other qualified person to fill the same.

59. Meetings of the Committee.—(1) Every Committee shall meet at least six times in each year.

(2) A meeting of the Committee shall be called by the President by seven days notice in writing provided that such notice may also be issued by a member authorised in writing by the president for this purpose.

(3) No business shall be transacted or any proceeding held by a committee except at a meeting at which three or more members are present.

60. President and chairman of Committee and the procedure thereof.— (1) Every Committee shall at its first meeting elect a member to be a President who shall hold office during the continuance of the Committee or until he resigns or ceases to be a member of the Committee.

(2) At meetings of the Committee the President shall be the Chairman and if he is absent the members present shall elect one of themselves to be Chairman for purpose of the meeting.

(3) All question which come before the Committee shall be decided by a majority of votes of the members present and in case of an equality of votes the Chairman shall have a casting vote.

(4) The minutes of the Committee shall be recorded in writing in a minute book and the record shall be signed by the Chairman of the meeting.

(5) A member or President of a Committee may resign his office by giving notice to the Board and such resignation shall take effect from the date of its acceptance by this Board.

(6) The Committee constituted under section 55 shall not be affected by any other provision of this Part.

PART VIII

Powers and Duties of the Board

61. Powers and duties of the Board generally.—The Board shall in addition to the powers conferred upon the Board by this Act be the controlling body of all the Notified Sikh Gurdwaras and it shall be the duty of the Board to ensure that every Committee deals with the property and income of the Gurdwaras or Gurdwara managed by it in accordance with the provisions of this Act, the rules framed thereunder and the direction and general superintendence over all the Committee shall also vest in the Board.

62 Control by Board over Executive Committee.—The Board, in general meeting may at any time, call upon its Executive Committee to report upon any matter within the jurisdiction of the Board and may require the Executive Committee or its office-bearers to take such action as lies under this Act within the powers of the Board.

63. Matters for consideration of Board.—The Board, at any meeting, may consider and discuss any matter with which it has power under this Act to deal and shall also be competent to discuss and deal with any matter which in its opinion vitally concerns the Sikh religion and its tenets.

64. Board to hold and administer trusts.—(1) It shall be Competent for the Board to hold and administer trust funds for religious, charitable, educational or industrial purposes, whether such funds are derived from allotments

duly made by a committee out of the surplus funds or income of a Gurdwara under its management or from donations or contributions or endowments made direct to the Board for such purposes.

(2) (*i*) Notwithstanding anything contained in any other law for the time being in force or in this Act or in any administrative scheme, rules or bye-laws framed under the Act, the Board shall be sole authority to receive, collect, realize and take possession from the Government Treasuries, Banks, Courts, Post Offices wheresoever situated or from Custodian, Evacuee Property, (Punjab) or any person, member or office-bearer of any local committee or Gurdwara Management Committee of any Notified Sikh Gurdwara (in the territory in Pakistan known as Punjab) in possession of or against whom any kind of property or sums or dues recoverable by or payable to any notified Sikh Gurdwara left in the territory now known as Pakistan are still outstanding.

(*ii*) The payment made to the Board in pursuance of clause (i) shall constitute a valid discharge of the liabilities of the person or persons aforesaid.

(*iii*) This sub-section shall have retrospective effect as from the 15th day of August, 1947.

(3) (*i*) Notwithstanding any other provision of this Act, any sum of money belonging to any Notified Sikh Gurdwara left in the territory now known as Pakistan and deposited with or received by the Board in pursuance of the provisions of sub-section (2) on behalf of such Gurdwara shall be spent by the Board in the first place for the discharge of obligations legally incurred in connection with such Gurdwara, for the payment of allowances or salaries of the dependents, officers and servants connected with it and for its maintenance and improvement.

(*ii*) When after providing for the purposes specified in clause (i), there remains or appears likely to remain any surplus sum, or any portion of the deposit is not required for such purposes, it may be used for such religious, charitable, educational or industrial purposes under the control and management of the Board or by appointment of special committees or trusts elected by a majority of three-fourths of the members of the Board in a general meeting, as the Board, in a general meeting, may determine.

65. Setting of schemes of administration.—(1) When at any time the committee or the Board is of opinion that for the proper administration of the property, endowments, funds and income of a Notified Sikh Gurdwara a scheme should be settled, the Board and the committee shall consult together and if they agree upon a scheme, the scheme shall be described in writing and the committee shall give effect thereto.

(2) If at such consultation the committee and the Board do not agree upon a scheme, the committee or the Board may apply to the Commission, and the Commission, after hearing such members of the committee and of the Board respectively, as may be deputed for this purpose by the committe and the Board respectively, and any such other persons as it may consider proper to hear, may itself settle such scheme as it considers just and proper and pass an order giving effect thereto.

(3) When at any time the committee and the Board, after consultation together, are of opinion that a scheme settled under the provisions of sub-section (1) or sub-section (2) should, in the interests of the proper administration of the property, endowments, funds and income of the gurdwara, be set aside or modified, and the committee and the Board are in agreement in respect of the matter, the decision of the Board and the committee shall be recorded and effect thereto given by the committee.

(4) If the committee or the Board is of opinion that in the interests of the proper administration of the property, endowments, funds or income of a Notified Sikh Gurdwara a scheme settled under the provisions of sub-section (1) or sub section (2) should be set aside or modified and the Board and the committee are not in agreement upon the matter, the committee or Board may apply to the Commission to have the scheme set aside or modified as desired, and the commission, after hearing such members of the committee and of the Board respectively as may be deputed for this purpose by the committee and the Board respectively and any such other persons as it may consider proper to hear, may itself set aside or settle such scheme as it considers just and proper and pass an order giving effect thereto.

66. Powers of the Board to make bye-laws.—(1) The Board may from time to time make bye-laws not inconsistent with the provisions of this Act and the rules made thereunder regulating its own procedure, functioning and the fees to be levied under section 77.

(2) All the bye-laws framed under sub-section (1) shall take effect from the date of their publication in the Official Gazette of the Board.

PART IX

Powers and Duties of the Committee

67. General powers of committees.—Subject to the provisions of the Act, a committee shall have full powers of control over the employees, office-holders, and dependents of, and all properties and income of whatever description belonging to the Gurdwara or Gurdwaras under its management and of enforcing the proper observance of all ceremonies and religious observances in connection with such Gurdwara or Gurdwaras and of taking all such measures as may be necessary to ensure the proper management of the Gurdwara or Gurdwaras and the efficient administration of the property, income and endowments thereof.

68. Ministers and staff of committees.— (1) The Committee may appoint such ministers and the staff as it may deem necessary for the due performance by itself of its duties and may at any time fine, reduce, suspend or dismiss any such minister or member of the staff:

Provided that when the dismissal of a hereditary office-holder or of a minister is ordered by a committee the order shall, except when it is based on facts or conclusions established at a judicial trial or when such office-holder or minister is absconding be preceded by a recorded enquiry and at such enquiry a definite charge in writing shal be framed in respect of each offence and explained to such office-holder or minister, the evidence in support of it and any evidence which he may adduce in his defence shall be recorded in his presence and his defence shall be taken down in writing and on each of the charges framed a finding shall be recorded.

(2) Any minister or hereditary office-holder who has been dismissed, may within thirty days of the date of the order of dismissal, appeal either to the Board or to the Commission as he may elect and the order of the Board or the Commission, as the case may be, shall be final.

(3) When no appeal is preferred against an order of the Committee dismissing a hereditary office-holder or a minister, such order shall be final.

(4) If in the opinion of the Board a hereditary office-holder or a minister of a Notified Sikh Gurdwara has rendered himself liable to dismissal, the Board may move the committee of such Gurdwara to dismiss him and if the committee does not within thirty days of being so moved, dismiss such office-holder or minister, the Board may apply to the Commission to order his removal and if the Commission finds that such office-holder or minister may be so dismissed, it may order his dismissal and such order shall be final.

(5) When an application has been made to the Commission, the Commission may suspend from office, pending its

decision, the person against whom the application has been made.

(6) When, the Board acting as a committee under the provisions of section 55, orders the dismissal of a hereditary office-holder or a minister, an appeal against such order shall be made within thirty days to the Commission, whose order shall be final and conclusive.

69. Alienation of immovable trust property.—No exchange, sale, mortgage or other alienation of immovable property belonging to a Notified Sikh Gurdwara shall be valid unless it is sanctioned by the Committee of the Gurdwara and by the Board, provided that the sanction of the Board shall not be necessary in the case of lease of any such property for a term which does not exceed the remaining term of the existing Committee by a period of more than one year.

70. Powers of Committees to make regulations.—A committee of a Notified Sikh Gurdwara may make regulations not inconsistent with the provisions of this Act or with any rules or bye-laws made thereunder to regulate its procedure:

Provided that without the previous sanction of the Board no regulation shall be made—

(*i*) authorising by name or office any person to receive or sign acknowledgements of the receipt of any money on behalf of the committee, or

(*ii*) prescribing the form in which accounts, returns and reports relating to the management of a gurdwara shall be maintained or submitted.

71. Offerings to be the property of Gurdwara and salaries of office-holders to be their property.—All offerings made at or in connection with a Notified Sikh Gurdwara shall be deemed to be the property of such Gurdwara while the salary and allowances of a minister or other office-holders thereof and any property acquired by him out of his salary and allowances shall be the property of such minister of office-holder.

PART X

Finances

72. Objects on which the funds of a gurdwara to be spent.—(1) Subject to the provisions of this Act, all properties and income of a Notified Sikh Gurdwara shall be used, in the first place, for the maintenance or improvement of the gurdwara; for the maintenance of religious worship and the performance and conduct of religious and charitable duties, ceremonies and observances connected therewith; of the propagation of Sikh religion; for the payment of allowances or salaries of dependents, officers and servants thereof; for the fulfilment of the objects of the endowments thereof; for the maintenance of the *langar*; for such religious, charitable or educational purposes as the committee may consider necessary in connection therewith or for the discharge of any obligations legally incurred.

(2) When after providing for the purposes specified in sub-section (1), there remains or appears likely to remain any surplus sum or any income not required for any such purposes, the committee may by resolution passed by not less than two-thirds of its members, propose to allocate a part or the whole of such surplus sum or income to a particular religious, educational or charitable purpose and may, if the Board in writing sanctions such proposal, act in accordance therewith:

Provided that any proposal, so sanctioned to devote to such purpose income accruing during a period of more than three years may at any time not sooner than three years after the proposal was sanctioned be rescinded or varied by a subsequent resolution of the committee passed in like manner.

(3) Notwithstanding anything contained in sub-section (2) when it appears to the Board that after providing for the purposes specified in sub-section (1) there remains or is likely to remain any surplus sum or income not required for any such purposes, and the committee is

not willing to devote such surplus sum or income to other purposes, the Board may apply to the Commission for an order allowing the Board to devote the whole or part or such surplus sum or income to a particular and specified religious educational or other charitable purpose.

(4) When application has been made in accordance with the provisions of sub-section (3), the Commission may after hearing the objections, if any, of the committee or of any person having interest in the gurdwara concerned, if it is satisfied that the application is reasonable, determine what portion if any of such surplus sum or income shall be retained as a reserve fund for the gurdwara concerned and direct the remainder of the surplus sum or income to be devoted to any such religious, educational and charitable purpose as it may deem proper and the Commission may from time to time, on the application of the Board or of the committee or of a person having interest in the gurdwara concerned, rescind or vary any order passed under the provisions of this sub-section.

(5) Nothing contained in sub section (2), (3) and (4) shall apply to the Board when acting as a Committee of Management under section 55 of this Act. In the case of such a committee when after providing for the purposes specified in sub-section (1) there remains or appears likely to remain any surplus sum or any income not required for such purposes, the committee may by a resolution passed by not less than two-thirds of the members present in the meeting, utilize or allocate a part or the whole of such surplus sum or income of any particular Gurdwara under its management to a particular religious, educational, charitable or industrial purpose :

Provided that the meeting is attended by not less than one half of the total members, constituting the committee: Provided further that an allocation so made to devote to such purpose income accruing during a period of more than three years may at any time not sooner than three years after the allocation was made be rescinded or varied by a subsequent resolution of the Committee passed in the like manner.

73. Annual contribution to the Board.—(1) Every committee shall pay annually to the Board for the purpose of meeting the lawful expenses of the Board a contribution in money out of the income of the gurdwara or gurdwaras under its management.

(2) The proportion which such contribution shall bear to the annual income of a gurdwara shall be fixed for each gurdwara by the Board:

Provided that it shall not exceed one-tenth of such income.

(3) The Board shall be competent to reduce the amount of contribution due to the Board from any committee or gurdwara in any year for special reasons and the Board shall have power to prescribe the limit or annual income of the gurdwara or gurdwaras which may be totally exempted from making the contribution payable to the Board under the provisions of this section.

74. Recovery of contribution.—(1) The contribution payable under the provisions of section 73, shall be paid by the committee of a gurdwara after such notice and in such manner as may be prescribed.

(2) If a committee fails after due notice to pay any sum payable by it under the provisions of sub-section (1) the Commission shall on application being made to it by the Board in this behalf call upon the committee to show cause why it should not be ordered to pay such sum, and may after hearing such member of the committee as may be deputed by the committee for this purpose pass an order directing the committee to pay the sum found payable either in a lumpsum or by instalments, as it deems fit.

75. General Board Fund.—(1) The Board shall establish and maintain a fund to be called the General Board Fund and there shall be placed to the credit thereof the following sums, namely:—

(*i*) all the annual contributions paid to the Board under the provisions of sections 73 and 74, and

(*ii*) all the fees for copies of accounts and of entries in registers and other gurudwara records levied by the Board under the provisions of sub-section (3) of section 77;

(2) No sums other than those specified in sub-section (1) shall be placed to the credit of the General Board Fund.

(3) The General Board Fund shall be applied solely to the payment of expenses awfully incurred by the Board in the exercise of its powers under the provisions of this Act, towards the discharge of obligations legally incurred and towards the maintenance, protection and support of such historical gurdwares which in the opinion of the Board cannot be maintained, protected or provided for otherwise:

Provided that if after paying such expenses and discharging such obligations and affording such protection any surplus sum remains, such surplus sum may be spent by the Board on any religious, charitable, educational or industrial purposes and on such non-political purposes as are connected with the general uplift and welfare of the Panth as the Board may deem fit.

(4) All the expenses arising from the administration of this Act or incurred under any provision of this Act, including the expenses relating to any Tribunal, Board or Commission, and remuneration of the members of all such Tribunal, Board or Commission and other expenses incidental thereto shall be met from the General Board Fund.

(5) Any expenses incurred by the Central Government or any State Government under any provision of this Act or for the administration of this Act shall be recoverable from the General Board Fund and any such sum due to the Central or any State Government shall, if not recovered within a year after a demand has been made, be recoverable as if it were an arrear of land revenue.

76. Trust Funds.—(1) Every sum made over to the Board under the provisions of this Act by a

committee of a Notified Sikh Gurdwara or otherwise received by the Board for a specified religious, charitable, industrial, or educational purpose shall be held by the Board as a trust and shall be devoted to the purpose specified.

(2) Every sum other than a sum specified in section 73 shall be paid to the credit of a fund to be called the General Trust Fund, out of which the Board in general meeting may from time to time make allotments for the discharge of any obligations legally incurred in connection therewith or for such religious, charitable, industrial or educational purposes as the Board may consider proper or for grants in aid for the maintenance, repairs or service of Notified Sikh Gurdwaras.

(3) The Board shall establish and maintain a separate fund in respect of each trust held in accordance with the provisions of sub-section (1) above, and may discharge out of each such fund any obligations legally incurred in connection therewith.

(4) Every sum received by the Board in connection with any fund shall be placed to the credit of the fund in such Bank or banks as the Board may direct and the Board may also invest any portion of its funds in one or more Government Securities or National Defence Certificates and the income or proceeds derived therefrom shall be credited to the fund from which the investment was made.

77. Board to maintain accounts of all trust funds and of General Board Fund.—(1) The Board shall maintain regular accounts showing receipts on account of and expenditure out of the General Board Fund and separate similar accounts for each fund established under the provisions of sub-section (1) of section 76 and for the General Trust Fund.

(2) Any person having interest in a Notified Sikh Gurdwara shall, on application being made to the Board, be furnished with a copy, certified to be correct by the president or other member of the executive committee authorised by the president on this behalf, of the whole or of any specified part of such account.

(3) The Board shall charge for copies of accounts furnished under the provisions of sub-section (1) such fees as are charged for copies of records under the control of Deputy Commissioners of district under the rules for the time being in force in Punjab.

78. Audit of accounts.—(1) The accounts described in section 77 shall be audited and examined once in every year by such auditor as may from time to time be appointed by the Central Government.

(2) For the purposes of any such audit and examination of accounts the auditor may, by a demand in writing, require from the Board or any member or servant of the Board the production before him of all books, deeds, vouchers and all other documents and papers which he deems necessary, and may require any person holding or accountable for any such books,deeds,vouchers,documents or papers to appear before him at any such audit and examination, and to answer all questions which may be put to him with respect to the same or to prepare and submit any further statement which such auditor may consider necessary.

(3) Within thirty days after the audit and examination have been completed, the auditor shall submit a report to the Board upon each account audited and examined, and shall forward copies of his reports to the Central Government and to the Commission.

(4) The report of the auditor shall among other matters specify all items of expenditure which in his opinion are illegal, irregular or improper, all cases of failure to recover money or property due to the Board, all instances of loss or wasteful expenditure of money or property due to negligence or misconduct and all instances in which any money or property has been devoted to any purposes not authorised by this Act.

(5) The expenses incurred in the audit and examination of the accounts of any fund maintained by the Board

in accordance with the provisions of this Act shall be paid out of that fund.

(6) If payment of the expenses referred to in sub-section (1) is not made within three months from the date of the submission of a report as described in sub-section (3), the Central Government may on application to it being made within six months from such date by the auditor, recover the amount due as if it were an arrear of land revenue.

79. Board to consider Auditor's report.—(1) The Board in general meeting next following the date of the receipt of the auditors report, shall consider such report and satisfy itself that no expenditure shown therein has been incurred otherwise than in accordance with the provisions of this Act and shall pass such orders as are in its opinion necessary and proper to rectify any illegal, unauthorised or improper expenditure and may also pass such further orders upon the report, as it may deem proper:

Provided that if the next general meeting falls, on a day earlier than two months after the receipt of the report, it may be considered in the general meeting next following.

(2) Within two months from the date of the consideration of the report under sub-section (1), the Board shall cause the report and abstracts of each account to be published in at least one English and one Gurmukhi newspaper printed and published in India.

(3) If the Board fails to cause the report to be published in accordance with sub-section (2) the commission may get it so published and the expenses incurred in this behalf shall be paid by the Board and shall be recoverable as if it were an arrear of land revenue.

80. Budget of the Board.—(1) The executive committee shall lay before the Board at a general meeting to be held each year in March an estimate of the income and expenditure for the ensuing financial year of the Board and of each separate fund administered by the Board.

(2) The Board shall in general meeting take into consideration every estimate laid before it by the executive committee, and it shall be in the discretion of the Board to pass or reject such estimate or to modify or alter it and to pass it as so modified or altered.

81. **Accounts to be maintained by Committees.**—(1) The committee of every Notified Sikh Gurdwara shall maintain a regular account showing all sums received on behalf of and all disbursements made out of the funds and income of the Gurdwara.

(2) Any person having interest in the Gurdwara shall on application to the Secretary of the Committee be furnished with a copy of the whole or any part of such account, or other records, and the committee shall for such copies charge such fees as are charged by the Board under sub-section (3) of section 77.

82. **Audit of Committees account.**—(1) Subject to the provisions of sub-section (5), every account described in section 81 shall be audited and examined once in every year by an auditor appointed by the Board.

(2) The accounts of the Board acting as Committee under the provisions of section 55 shall be audited by an auditor who may act as an auditor under the provisions of the Companies Act, 1956 (1 of 1956).

(3) The Board shall maintain a list of not less than five auditors nominated by the Board with the previous sanction of the Central Government for the purpose of the audit of the accounts of committees other than thos specified in sub-section (2) and no auditor, whose name is not on the list, shall be appointed to audit such account.

(4) If within six months of the constitution of the Board, the Board has failed to nominate auditors as required by sub-section (3), the Central Government may appoint such number of auditors as are necessary to complete the list.

(5) The Committee of any Notified Sikh Gurdwara whose gross annual monetary income does not exceed two thousand rupees, may, with the sanction of the Board cause the account of such Gurdwara to be audited less frequently than once in every year or may with like sanction dispense with the audit and examination of such account.

(6) For the purpose of any such audit and examination the auditor may, by a demand in writing, require from the Committee or any member or servant of the committee the production before him of all books, deeds, vouchers and all other documents and papers which he deems necessary, and may require any person holding or accountable for any such books, deeds, vouchers, documents, or papers to appear before him at any such audit and examination and to answer all questions which may be put to him with respect to the same or to prepare and submit any further statement which such auditor may consider necessary,

83. Report of Auditors.—(1) Within thirty days after the audit and examination has been completed the auditor shall report to the committee of the Gurdwara upon the accounts audited and examined and shall forward a copy of his report to the Board and in case of the accounts of the Board acting as committee under the provisions of section 55 shall forward a copy to the commission and the Central Government also.

(2) The report of the auditor shall, among other matters, specify all items of expenditure which, in his opinion are illegal, irregular or improper, all cases of failure to recover money or property due to the gurdwara, all instances of loss or wasteful expenditure of money or property due to negligence or misconduct and all instances in which any money or property has been devoted to any purpose not authorised by this Act.

(3) The auditors' report upon th account of Gurdwara shall be open to inspection by any Sikh :

Provided that reasonable notice of intention to inspect is given by such Sikh to the Committee.

(4) The expenses incurred in the audit and examination of the accounts of a gurdwara shall be paid out of the income of the gurdwara.

84. Budget of Committee.—(1) Every committee shall submit each year to the Board at such time as may be prescribed an estimate of the income and expenditure for the ensuing financial year of the gurdwara or gurdwaras under its management.

(2) The Board shall scrutinise every estimate submitted in accordance with the provisions of sub-section (1), and if it finds that the estimate provides for expenditure not authorised by this Act, the Board shall direct the committee to modify or alter the estimate within a reasonable time in such manner as the Board may deem necessary, and if the committee does not within the time stated comply with the direction, the Board shall apply to the Commission to pass an order calling upon the Committee to make such modification or alteration, and the Commission may, after making such enquiry as may in its opinion be necessary, pass any order that it considers just and proper.

(3) If the Board finds that an estimate submitted to it is not in accordance with the scheme of administration settled under the provisions of this Act for the gurdwara to which the estimate relates, the Board may direct the committee to modify or alter the estimate within a reasonable time in such manner as the Board may deem necessary, and if the committee does not within the time stated comply with the direction, the Board may apply to the Commission to pass an order calling upon the committee to make such modification or alteration and the Commission may, after making such enquiry as may in its opinion be necessary, pass any order that it considers just and proper.

(4) Nothing in this section shall apply to the committee constituted under the provisions of section 55.

PART XI

Miscellaneous

85. Right of interested persons to complain to Commission in respect of misfeasance and other abuse of powers.—(1) Notwithstanding anything contained in section 92 of the Code of Civil Procedure, 1908, (5 of 1908.) or in the Specific Relief Act, 1877 (1 of 1877.), any person having interest in a Notified Sikh Gurdwara may, without joining any of the other persons interested therein, make an application to the Commission, against the Board, the Executive Committee of the Board, or the Committee, or Advisory Committee or against any member or past member of the Board, of the Executive Committee, or of the Committee or of the Advisory Committee or against any office-holder or past office-holder of the Gurdwara or against any employee, past or present, of the Board of Gurdwara, in respect of any alleged malfeasance, misfeasance, breach of trust, neglect of duty, abuse of powers conferred by this Act or any alleged expenditure on a purpose not authorised by this Act and the Commission, if it finds any such malfeasance, misfeasance, breach of trust, neglect of duty, abuse of powers or expenditure proved, may, consistent with the provisions of this Act and of any other law or enactment in force for the time being, direct any specific act to be done or forborne for the purpose of the remedying the same and may award damages or costs against the person responsible for the same, and may order the removal of any office-holder or member of the Board, Executive Committee, or Committee or Advisory Committee responsible for the same and may also disqualify any member of the Board, Executive Committee, or Committee or Advisory Committee thus removed from such membership for a period not exceeding five years from the date of such removal.

(2) When an application has been made to the Commission under the provisions of sub-section (1), the Commission may suspend from membership or office, pending its decision, the person against whom the application has been made.

(3) The Board or the Committee may make a similar application to the Committee, which may, in like manner dispose of it.

(4) The Board, committee or any person aggrieved by an order passed by the Commission under the provisions of sub-section (1) or sub-section (3), may, within ninety days of the orders, appeal to the High Court of the State in which the gurdwara regarding the affairs of which such application has been made, is situate and the orders of the High Court on appeal shall be final and conclusive.

86. Notice of application to be given.—No application shall be made under the provisions of section 85 against the Board, its executive committee or committee until the expiry of two months after notice in writing has been delivered to the Board, its executive committee or to the committee as the case may be, stating the cause of action, the name, description and place of residence of the applicant and the relief which he claims, and the application shall contain a statement that such notice has been delivered.

87. Act of the Board or Committee not to be invalidated by irregularity.—No act of the Board, or its executive Committee or of a committee shall be held invalid in any judicial proceeding on the ground of any defect in the constitution of the Board, executive committee or committee, as the case may be, or on account of any irregularity in the procedure of the Board, executive committee or committee, as the case may be, unless the defect or irregularity has occasioned a failure of justice.

88. Power of Central Government to make rules.—(1) The Central Government may make rules not inconsistent with the Act to carry out all or any of the purposes of the Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules for—

(*i*) the registration of electors ;

(*ii*) the nomination of candidates, the times of elections to be held under the provisions of this Act, the mode of recording and counting votes and the declaration of the results of such elections ;

(*iii*) the conduct of enquiries and the decision of disputes relating to elections;

(*iv*) the definition of the practices at elections held under the provision of this Act which are to be deemed to be corrupt ;

(*v*) the investigation of allegations of corrupt practices at such elections ;

(*vi*) making void the election of any person proved to have been guilty of a corrupt practice or to have connived at or abetted the commission of, a corrupt practice or whose agent has been so proved guilty, or the result of whose election has been materially affected by the breach of any law or rule for the time being in force ;

(*vii*) rendering incapable of office, either permanently or for a term of years, any person who may have been proved guilty as aforesaid of a corrupt practice or of conniving at or abetting the same ;

(*viii*) prescribing the authority by whom questions relating to the matters referred to in clause (*i*), (*ii*), (*iii*), (*v*), (*vi*) or (*vii*) shall be determined ;

(*ix*) the method by which the income of a gurdwara shall be calculated for the purpose of fixing the annual contribution described in section 73, and

(*x*) the authority to whom, and the manner in which petitions, applications and records of suits or proceedings which may or should under the provisions of this Act be presented, made or forwarded, as the case may be, to a tribunal or to the commission as the case may be, are to be presented, made or forwarded when a tribunal or the Commission has not been constituted or is not sitting.

89. **Enquiries into conduct of gurdwara elections.**—The Central Government may appoint any person or persons authorised by it to hold an enquiry into the conduct of or into allegations of corrupt practices or irregularities at an election held under the provisions of this Act with all or any of the powers conferred upon the Tribunals appointed to hold an enquiry into an election by the provisions of Chapter III of Part VI of the Representation of People Act, 1951 (43 of 1951) and may prescribe the procedure to be followed and provide for the execution of any order as to costs passed by such person or persons in such enquiry.

90. **Repeal of Punjab Act VIII of 1925.**—The Sikh Gurdwaras Act, 1925 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Sikh Gurdwaras, both historic and others, are situated and scattered in almost all States and parts of India and are held in great esteem and reverence by the entire Sikh Community. For lack of uniform legislation, they are managed and governed by different sets of rules and regulations mostly influenced by local customs and usages. There is no uniformity in the performance of Sikh rites and ceremonies in the Sikh Gurdwaras.

The Bill seeks to secure better administration of the Sikh Gurdwaras which may be duly notified by the Government by having more effective and efficient supervision and superintendence of the Board over the Committees of Management of Gurdwaras spread over various parts of India. The Bill also seeks to bring uniformity in the performance of all religious rites in all the Sikh Gurdwaras.

Hence this Bill.

NEW DELHI;
The 29th September, 1964.

A. S. SAIGAL.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 66 authorises the Board to make bye-laws consistent with this law as to the procedure, functioning and fees to be levied under clause 77.

Clause 70 authorises the Committee of Notified Sikh Gurdwara to make regulations consistent with this law as to the procedure of all proceedings.

Clause 88 of the Bill deals with the rule making power of the Central Government consistent with this law. The matters in respect of which rules may be made are set out in that clause.

The rule making powers sought to be conferred are of a normal character.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Shillong.